



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

OCT 28

TIMOTHY SCOTT FARNAN,
Plaintiff,
vs.
CENTRAL INTELLIGENCE
AGENCY, et al.,
Defendants.

3:08-CV-0463-LRH (VPC)

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

October 27, 2008

11 This Report and Recommendation is made to the Honorable Larry R. Hicks, United States
12 District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.
13 § 636(b)(1)(B). For the reason set forth below, it is recommended that plaintiff's complaint be
14 dismissed without prejudice.

I. BACKGROUND, DISCUSSION & CONCLUSION

16 On August 27, 2008, plaintiff *in pro se* filed a request to proceed *in forma pauperis* (#1).
17 The court found plaintiff's declaration in support of his application to proceed *in forma pauperis*
18 insufficient for the court to act on the application (#4).

19 On September 26, 2008, this court entered an order requiring plaintiff to complete and file
20 a standard form application to proceed *in forma pauperis* which the court provided to plaintiff with
21 the order (#4). The court ordered plaintiff to file the completed application to proceed *in forma*
22 *pauperis* no later than Friday, October 17, 2008. *Id.* The court cautioned plaintiff that failure to file
23 the completed application to proceed *in forma pauperis* would result in a report and recommendation
24 to the District Court that this case be dismissed. *Id.*

Plaintiff has failed to file the completed application to proceed *in forma pauperis* and has not requested additional time in which to do so. Therefore, this court recommends that plaintiff's case be **DISMISSED** without prejudice.

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1 The parties are advised:

1 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the
2 parties may file specific written objections to this report and recommendation within ten days of
3 receipt. These objections should be entitled “Objections to Magistrate Judge’s Report and
4 Recommendation” and should be accompanied by points and authorities for consideration by the
5 District Court.

7 2. This report and recommendation is not an appealable order and any notice of appeal
8 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

II. RECOMMENDATION

IT IS THEREFORE RECOMMENDED that the district court enter an order

11 | **DISMISSING** plaintiff's complaint without prejudice.

12 DATED: October 27, 2008.


Julie P. Jones
UNITED STATES MAGISTRATE JUDGE